

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ALABAMA
SOUTHERN DIVISION

LISA KILLINGSWORTH,

Plaintiff.

v.

LOCAL 78 OF THE INTERNATIONAL
ALLIANCE OF THEATRICAL STAGE
EMPLOYEES,

Defendant.

CIVIL ACTION NO.
03-AR-0191-S

MEMORANDUM OPINION

The motion of plaintiff, Lisa Killingsworth ("Killingsworth"), for attorney's fees and expenses, the motion of plaintiff for a post-judgment deposition and the motion of defendant, Local 78 of the International Alliance of Theatrical Stage Employees ("Local 78"), for a stay of proceedings pending the acquisition of a supersedeas bond all were heard at this court's regular motion docket on June 17, 2004. Although the court explained to the parties that its usual practice is not to rule on a request for attorney's fees by the prevailing party if a notice of appeal has been filed, both parties asked the court to rule on plaintiff's request for attorney's fees and expenses so that the supersedeas bond, if filed, will be sufficient in amount to cover the attorney's fee as well as the judgment earlier entered.

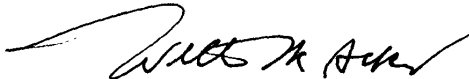
Defendant does not dispute that the number of hours spent by the two lawyers for plaintiff were spent reasonably and that the lodestar is the proper method for determining fees. Neither does

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44

defendant dispute the proposed hourly rate of Kimberly Dodson at \$175.00. Defendant does dispute the hourly rate claimed by Richard Meelheim of \$350.00 per hour, and suggests, to the contrary, that a reasonable hourly rate is \$250.00 per hour. The court recognizes that Mr. Meelheim is an experienced and highly competent lawyer in cases like this one. Nevertheless, the court finds, based on the affidavits and on the court's knowledge of the current market, that a reasonable hourly rate for Mr. Meelheim is \$300.00. Accordingly, the motion for attorney's fees will be granted at \$175.00 for 97 hours for Ms. Dodson, and at \$300.00 for 138 hours for Mr. Meelheim. There is no dispute over the plaintiff's claim of expenses in the amount of \$776.57.

DONE this 21st day of June, 2004.



WILLIAM M. ACKER, JR.
UNITED STATES DISTRICT JUDGE